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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,403	02/26/2002	Timo Haataja	800.0324.U1(US)	3628
10/948 7590 01/19/2011 Harrington & Smith, Attorneys At Law, LLC 4 Research Drive, Suite 202 Shelton, CT 06484			EXAMINER POINVIL, FRANTZY	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 01/19/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/069,403

**Applicant(s)**

HAATAJA ET AL

**Examiner**

Frantzy Poinvil

**Art Unit**

3691

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent No. 5,825,863) in view of Block (US Patent No. 5,960,416).

As per claims 26, 29, 35, 38, 45 and 48, Walker et al disclose a system and method for enabling prepayment of telephone call charges in connection with a calling-card account of an account holder or subscriber. The calling-card account can be recharged continuously from a linked credit account and/or bank account. Walker further states that the "charges may be incurred thereafter on a per unit-time basis. See the abstract of Walker. Thus, if the credit account can be recharged by the cardholder, thus, in making a request to recharge the calling card, the subscriber would have provided the amount desired to recharge, the credit card or debit card to be used and the type of calls the subscriber will make. Types of calls are usually charged based on the time, day, national or international and roaming. Walker does not explicitly state a request indicates a particular tariff scheme from a plurality of tariff scheme where a tariff scheme defines how calls are to be charged. Block provides such a teaching. Applicant is directed to column 12, lines 53-56, column 8, lines 7-11 of Block. Block further teaches that a subscriber by making a prearrangement for a particular class of services, request a particular tariff scheme

from a plurality of tariff schemes, where a tariff scheme defines how calls are to be charged. See column 26, line 54 to column 27, line 45. Block also teaches setting a current tariff scheme associated with the subscriber to the particular tariff scheme. See also column 12, lines 53-56 and column 7, lines 62-66. Block also teaches in response to a call being initiated by a subscriber, determining by a processor the current tariff scheme and charging the account for the call based at least in part on the current tariff scheme. The current scheme can be a current scheme set forth in the prearrangement or a tariff scheme for a particular time, day or date as such is routinely done in the communication art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Block with Walker in order to appropriately bill a prepaid account based on calls made according to a prearrangement of a service request.

As per claims 27, 36 and 46, Block clearly teaches the functions of determining a current tariff model associated with the subscriber from a plurality of tariff models, where a tariff model comprises at least one tariff scheme, and determining the current tariff scheme from the at least one tariff scheme in the current tariff model. See also column 26, line 54 to column 27, line 45 of Block.

As per claims 28, 37 and 47, Block teaches “where determining the current tariff scheme from the at least one tariff scheme is based at least in part on at least one of: a current time, a current day and a number being called. See column 19, lines 13-139.

Regarding claims 30-32, 39-41 and 49-50, the teachings of Walker are discussed above. Walker does not explicitly teach different types of vouchers or in response to determining that a

voucher type is an allowed voucher type, crediting the prepaid account. The Examiner notes that it is well known in the art at the time of the invention that "A prepaid service is a service where a subscriber pays in advance his calls by buying vouchers. The prepaid service logic and prepaid service data are stored in the system...the prepaid service enables roaming subscribers to pay their local calls at local tariffs, whereas the use of the SIM card of their home service provider results in paying international tariffs to their home network and back". Walker also teaches that, tariffs may be in time units, monetary values and unit values. Charging or billing one tariff model to a type of voucher would have been left as an agreement between users and the owners of the system of Walker. The motivation to introduce such a billing scheme in the system and method of Walker would have been to redistribute types of charges to a credit card or a billing card in case one of the client's billing card become exhausted.

As per claims 33-34, 42-43, the combination of Walker and Block discloses a plurality of tariff schemes and calling plans with different rates based on time, calling locations and calling destinations. A particular customer may enroll in a new plan or updates and/or add funds to a particular plan. Therefore, having a second or additional request and setting a tariff scheme or a current tariff scheme would have been obvious to one of ordinary skill in the art to do at the time of the invention in the combination of Walker and Block in order to allow a customer to make any particular changes in their account such as having a new calling plan with a better rate to call another country.

As per claim 44, Block teaches their system is also embodied in a wireless network mode. See column 16, lines 41-43 of Block.

***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/  
Primary Examiner, Art Unit 3691

/FP/  
January 11, 2011